

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

CLEVELAND WHITE,	:	
Plaintiff,	:	Case No. 3:05CV107
vs.	:	District Judge Thomas M. Rose
	:	Magistrate Judge Sharon L. Ovington
DAYTON POLICE DEPARTMENT,	:	
<i>et al.</i> ,	:	
Defendants.	:	

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**DECISION AND ENTRY**

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The Court has reviewed *de novo* the Report and Recommendations (Doc. #33) of United States Magistrate Judge Sharon L. Ovington, to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby adopts said Reports and Recommendations.

Accordingly, it is **ORDERED** that:

1. The Report and Recommendations filed on April 4, 2007 (Doc. #33) is ADOPTED in full;
2. Defendants' Motion for Summary Judgment (Doc. #31) is GRANTED;
3. Plaintiff's Complaint is DISMISSED;

4. The Court certifies, pursuant to 28 U.S.C. §1915(a), that for the foregoing reasons and for the reasons stated in the Report and Recommendations (Doc. #33) an appeal of this Order would not be taken in good faith. Consequently, leave for Plaintiff to appeal *in forma pauperis* is denied. Plaintiff – a non-prisoner – remains free to apply to proceed *in forma pauperis* in the United States Court of Appeals. *See Callihan v. Schneider*, 178 F.3d 800, 803 (6<sup>th</sup> Cir. 1999); and
5. The case is terminated on the docket of this Court.

April 24, 2007

**s/THOMAS M. ROSE**

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Thomas M. Rose  
United States District Judge